

IN RE: PETITION FOR ZONING VARIANCE  
S/S Clarendon Avenue, 163' W  
of Reisterstown Road  
(5 Clarendon Avenue)  
3rd Election District  
2nd Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-10-A

John Worth  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure height of 24 feet in lieu of the maximum permitted 15 feet for an existing two car garage in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by S. Eric DiNenna, Esquire. Appearing as Protestants in the matter were Marvin Morrison, Lillie Veise, Jessie Hahn, Lucy M. Mason and Gary Bliss.

The original hearing was set for September 7, 1990; however, the hearing was continued by the Zoning Commissioner after the Petitioner's attorney objected to the testimony presented by Gary Bliss. The hearing was continued to December 27, 1990 at which time a transcript of Mr. Bliss' testimony was produced.

Testimony indicated that the subject property, known as 5 Clarendon Avenue, consists of 14,280 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and detached garage as depicted on Petitioner's Exhibit 1. Petitioner obtained a building permit to build the subject garage in December, 1989; however, subsequent to commencement of construction, Petitioner was issued a stop work order as a result of his building the structure with a height of 24 feet in lieu of the permitted 15 feet. Petitioner was advised to file the instant Petition to permit the garage to remain at its present height. Mr. Worth testified that he was unaware

of the height restriction at the time of construction. He testified that he decided to build a two story garage to provide needed storage space for personal items. Mr. Worth testified that strict compliance with the zoning regulations will result in practical difficulty and unreasonable hardship if removal of the second floor is required.

Testimony presented by those Protestants who chose to testify indicated that the Protestants are generally opposed to any variances being granted. The Protestants do not believe it is appropriate to build such a large structure when the B.C.Z.R. do not provide for it. They believe the granting of the variance will negatively impact the community and the health, safety and general welfare. To support their position, the Protestants provided copies of several documents and letters of opposition which have been incorporated into the case file. Additionally, the transcript of Mr. Bliss' testimony indicated that he is equally opposed to the granting of the variance. Mr. Bliss' transcript indicates that the Petitioner had planned from the beginning to construct a two story structure to provide living quarters on the second floor for Mr. Bliss. The transcript further indicates that Petitioner and Mr. Bliss had a financial arrangement between them which is now the subject of debate. Such issue is not within the jurisdiction of the Zoning Commissioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to allow an accessory structure (garage) to be 24 feet high instead of 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Already built with permit
2. Space needed for household storage
3. Shape and space of property
4. Other reasons to be given at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)

Signature: \_\_\_\_\_  
Signature

Address: \_\_\_\_\_  
(Type or Print Name)

City and State: \_\_\_\_\_  
Signature

Attorney for Petitioner: \_\_\_\_\_  
S. Eric DiNenna, Esquire  
(Type or Print Name)

Signature: \_\_\_\_\_  
Signature

Address: \_\_\_\_\_  
409 Washington Ave., Ste. 600  
Towson, Maryland 21204  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna, Esquire  
Name  
409 Washington Ave., Ste. 600  
Towson, MD 21204  
Address  
Phone No.

Attorney's Telephone No.: (301) 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of Sept, 1990, at 2 o'clock P.M.

RECEIVED LENGTH OF HEARING 1/2HR. \*YES.  
AVAILABLE FOR HEARING  
NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

March 26, 1991

887-3353

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
S/S Clarendon Avenue, 163' W of Reisterstown Road  
(5 Clarendon Avenue)  
3rd Election District - 2nd Councilmanic District  
John Worth - Petitioner  
Case No. 91-10-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs  
cc: Mr. Marvin Morrison  
620 Military Avenue, Baltimore, Md. 21208

Ms. Lillie Veise  
17 Clarendon Avenue, Baltimore, Md. 21208

Mr. Jessie Hahn  
6 Clarendon Avenue, Baltimore, Md. 21208

Ms. Lucy M. Mason  
14 Clarendon Avenue, Baltimore, Maryland 21208

Mr. Gary Bliss  
P.O. Box 29706, Baltimore, Md. 21216

People's Counsel; File

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, subject to restrictions, such use as proposed would not be contrary to the spirit of the B.C.Z.R. In the opinion of the Zoning Commissioner, to require strict compliance would result in practical difficulty and unreasonable hardship to Petitioner without benefit to the community. Further, the restrictions set forth hereinafter will insure that Petitioner's use of the subject garage will be in strict compliance with the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of March, 1991 that the Petition for Zoning Variance to permit an accessory structure height of 24 feet in lieu of the permitted 15 feet for an existing two car garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon-

DESCRIPTION  
5 Clarendon Avenue

Beginning at a point on the south side of Clarendon Avenue, which is 50 feet wide at the distance of approximately 163 feet southwest of the southwest corner of Reisterstown Road, being lots 112, 113 and 114 in the subdivision of Balston as recorded in Baltimore County Plat Book 1, Folio 275/276, containing 14,280 square feet, also known as 5 Clarendon Avenue and located in the 3rd Election District.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

6/8/90

PRINTED HEREIN IN FULL

FOR ZONING VARIANCE - 1991

LAST NAME OF OWNER: WORTH

Account: R-001-6150  
Number

receipt

No 2706  
2627

H9000437

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date 6-8-90

S. Eric DiNenna, Esq.  
For Residential Variance Filing fee  
John Worth Property  
#5 Clarendon Ave.  
\$35.00

B 129\*\*\*\*\*3500\* 8115F  
Please make checks payable to: Baltimore County

sible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon completion of the subject garage, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the property to insure compliance with this Order. Construction of the subject garage shall be completed on or before January 6, 1992.

4) The use of the subject garage is limited to Petitioner and/or any future property owner for storage of personal belongings only. The subject structure shall not be used nor rented for any business or commercial purpose.

5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: August 15, 1990  
Posted for: Variance  
Petitioner: John Worth  
Location of Property: S/S Clarendon Avenue, 163' W of Reisterstown Road  
Location of Sign: In front of 5 Clarendon Avenue  
Remarks: Sign down - Posted 2nd time August 25 - 1990  
Posted by: J.D. Quate  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/8/90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/2, 1990.

THE JEFFERSONIAN,

Pub. 106214  
\$40.57

# CERTIFICATE OF PUBLICATION

Pikesville, Md., August 19 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 2nd day of August 1990

the first publication appearing on the 1st day of August 1990  
the second publication appearing on the 1st day of August 1990  
the third publication appearing on the 1st day of August 1990

THE NORTHWEST STAR

J. Robert Haines  
Manager

Cost of Advertisement \$32-

## Wellness Workout At BCGH

Baltimore County General Hospital is offering an eight-week Wellness Workout - Low Impact Exercise program on Mondays and Wednesdays starting Aug. 6 in the Administrative Services Bldg. Classes begin at 5:45 a.m. & 7 p.m. For fee information and registration call 521-5000.

## LEGAL NOTICE

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the date of the hearing set forth below.  
Petition for Zoning Variance  
CASE NUMBER: 91-10-A  
S/S Clarendon Avenue, 163' W of Reisterstown Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): John Worth  
HEARING: FRIDAY, SEPTEMBER 7, 1990 at 2:00 p.m.

## LEG

The 1989 Annual Memorial Service will be held on Friday, September 7, 1990 at 2:00 p.m. in the event of a building permit is issued for the property, the applicant must file a report of the building permit with the Zoning Commissioner within 30 days of the date of the hearing. The Zoning Commissioner will forward the report to the appropriate agency for a copy of the report of the building permit. The report must be in writing and received in the office by the date of the hearing or presented at the hearing.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: September 4, 1990  
Posted for: Variance  
Petitioner: John Worth  
Location of property: S/S Clarendon Avenue, 163' W of Reisterstown Road  
Location of Sign: In front of S. Clarendon Avenue  
Remarks: S. J. Haines  
Number of Signs: 1 Date of return: September 4, 1990

Baltimore County  
Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number: 3357

Date

9/7/90

M9100189

	QTY	PRICE
PUBLIC HEARING FEES		
090 - POSTING SIGNS / ADVERTISING	1 X	\$122.57
TOTAL:		\$122.57

LAST NAME OF OWNER: WORTH

04404W0017BUILD  
84 0002:51PM09-07-90  
NEXT BUSINESS DAY

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE 8-30-90



Dennis F. Rasmussen  
County Executive

John Worth  
Box 22736 Pickett Street  
Alexandria, VA 22304

Re: Petition for Zoning Variance  
CASE NUMBER: 91-10-A  
S/S Clarendon Avenue, 163' W of Reisterstown Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): John Worth  
HEARING: FRIDAY, SEPTEMBER 7, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$ 122.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs

cc: S. Eric DiNenna, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 19, 1990

## NOTICE OF CONTINUANCE



Dennis F. Rasmussen  
County Executive

CASE NUMBER: 91-10-A  
LEGAL OWNER: John Worth

LOCATION: S/S Clarendon Avenue, 163' W of Reisterstown Road  
S Clarendon Avenue

HEARING OF THE ABOVE MATTER, WHICH BEGAN ON September 7, 1990, WILL CONTINUE ON THURSDAY, DECEMBER 27, 1990 at 3:30 p.m.

THIS CONTINUANCE WILL TAKE PLACE IN ROOM 106 OF THE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

J. Robert Haines  
Baltimore County Zoning Office

Copies to:

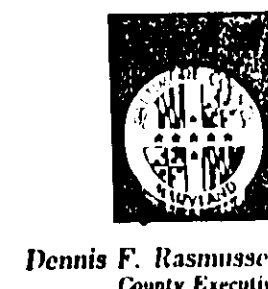
John Worth  
S. Eric DiNenna, Esq.  
Lucy M. Mason  
Jessie Hahn  
Lillie Weise  
Marvin Morrison  
Lavelly D. and Nancy A. Gruber  
Gary Bliss  
File

Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

July 13, 1990

## NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 91-10-A  
S/S Clarendon Avenue, 163' W of Reisterstown Road  
S Clarendon Avenue  
3rd Election District - 2nd Councilmanic  
Petitioner(s): John Worth  
HEARING: FRIDAY, SEPTEMBER 7, 1990 at 2:00 p.m.

Variance to allow an accessory structure (garage) to be 24 feet high instead of 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: John Worth  
S. Eric DiNenna, Esq.  
Elaine McCally

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

August 27, 1990

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

RE: Item No. 437, Case No. 91-10-A  
Petitioner: John Worth  
Petition for Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John Worth  
Box 22736 Pickett Street  
Alexandria, VA 22304

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Your petition has been received and accepted for filing this 27th day of June, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

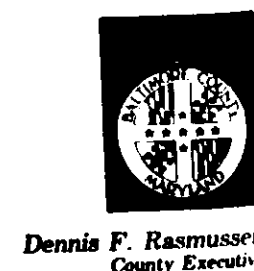
Petitioner: John Worth

Petitioner's Attorney: S. Eric DiNenna



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

June 27, 1990



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvw

RECEIVED  
JUL 3 1990

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: July 12, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: John Worth, Item No. 437

The Petitioner requests a Variance to permit an accessory building to be 24 ft. in lieu of the maximum 15 ft.

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage, limiting storage to that of the personal property of the occupants at the principal dwelling.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

JUNE 27, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN WORTH  
Location: #5 CLAREDON AVENUE  
Item No.: 437 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*  
Planning Group Fire Prevention Section  
Special Inspection Division

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

June 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 437  
PROPERTY OWNER: JOHN WORTH  
LOCATION: 5/5 CLAREDON AVE, 163' W of Reisterstown Rd  
ELECTION DISTRICT: 3rd (#5 Claredon Ave)  
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER - NO COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

For Item 427, the previous County Review Group comments still apply.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E.  
Developers Engineering Division

RWB:s

8/30/90

Re: Posting and Reposting of 91-10-A

Today Sophia handled a call from Mrs. Hahn relating the reposting and removal of the zoning sign on this property.

This appears to be the same information given to me per my note of August 28, 1990.

My note of August 29, 1990 would indicate that the sign is presently posted on the property.

\*In any case, the property owner has been billed for the posting of two signs. Sending Steve out to check if the property needs reposting at this late date, makes little sense as the damage has already been done. It would also appear, from conversations with Mrs. Hahn and Mrs. Mason that the purpose of posting (neighborhood notification) had been accomplished. It would also appear that removal of the signs is an effort to (1) Have the neighbors remain unaware of the hearing and/or (2) Delay the public hearing and possible denial of the requested variance and further action taken on the violation case.

Mrs. Hahn felt that as the sign did not remain on the property for a contiguous 15 days, that the matter must be postponed and she wanted Sophia or I to confirm her feeling. Sophia advised her that the case had not been postponed.

I had had a similar conversation with Mrs. Mason on August 24, 1990, informing her that the decision was not mine to make. This issue should be addressed at the hearing.

\*NOT PART OF ANY CONVERSATION.

August 24, 1990

Memo: To: 91-10-A

A Mrs. Mason called on 8/20/90 to report that the sign on the property had been removed by some unknown party.

The file indicates that the owner resides in Virginia and there is no phone number given for contact purposes. I have been unable to contact Steve Arata prior to today's date. Jun has printed a new sign and Steve will post same today.

Mrs. Mason asked if the hearing will go forward on the scheduled date of September 7, 1990 or if it would have to be postponed based on the information she has given. I informed her that I was not at all sure of the exact wording or interpretation of the law. As such, I did not know if time between the original posting and removal of the sign could be added to the reposting of to cover the 15 days or if it had to be 15 consecutive days.

That decision as to whether or not sufficient notice had been given would be made by the Hearing Officer on September 7, 1990. Mrs. Mason indicated that she would be present at the hearing.

August 28, 1990

A Ms. Jessie Hahn called to inform us that the second sign posted had been removed.

Put a call into Eric DiNenna at 10:15 a.m. - Eric to return call this afternoon.

*Aug 28, 1990*  
*Spoke w/ Mr. DiNenna yesterday informed him of situation. Today neighbors called to say sign is back up.*

8-30-90

91-10-A

*Jessie Hahn called JRH's office. She related that another sign was put up on the 24th and taken down on the 27th. I told her I would relate this information to the person who handles the sign-making.*

*Sophia*

10/11/90

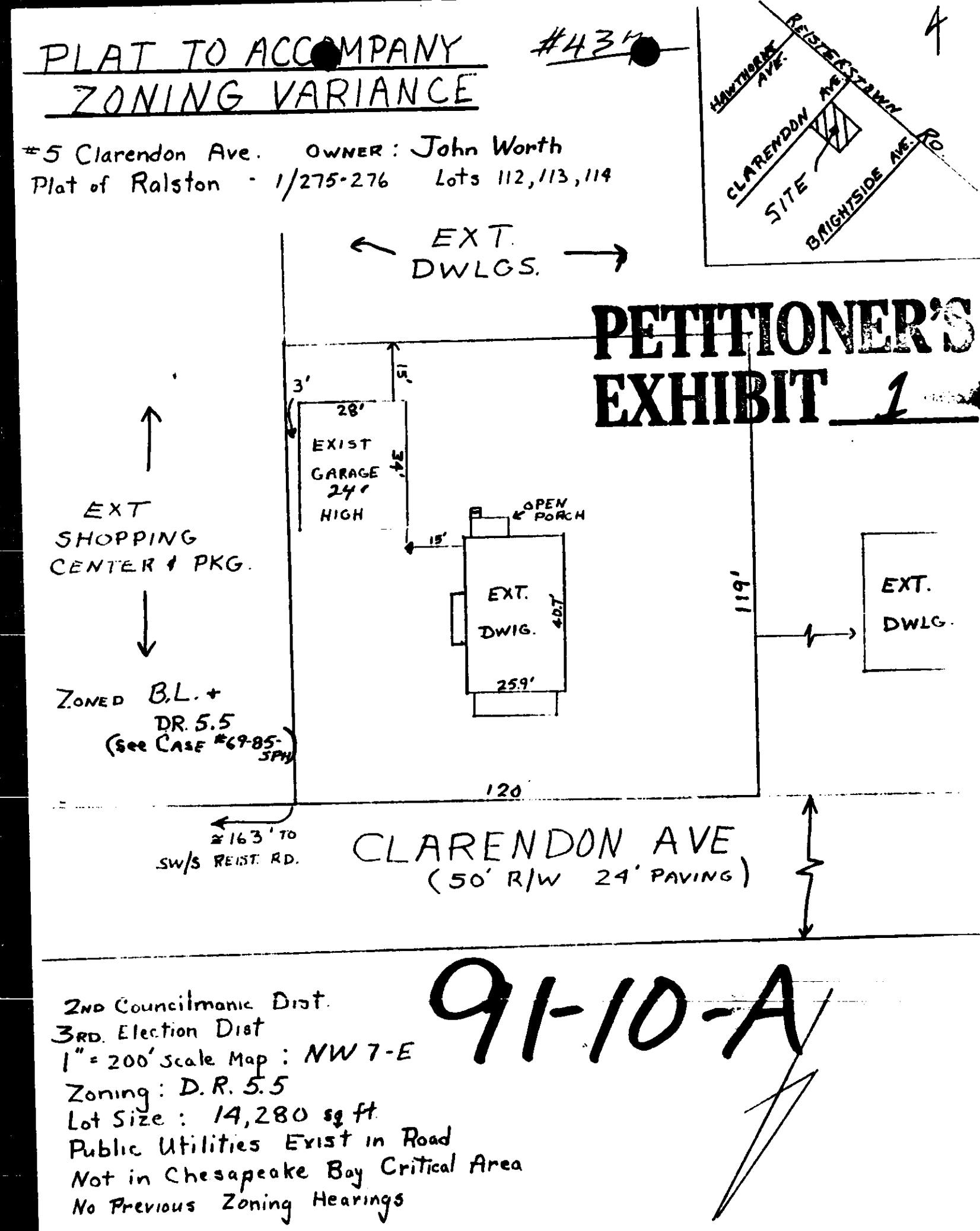
Mrs. Mason called regarding rescheduling of case # 91-10-A. Per my records, the case had not been continued or postponed. Mrs. Mason was at the hearing and had personal knowledge of the continuance of the matter. Checking Marlene's red book, the case had been marked PP-Continued. However, I did not have the file to reschedule. Betty helped me locate this file - on JKH's desk.

*[Handwritten signature]*

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW  
J. Robert Haines  
Page 2  
November 1, 1990  
I appreciate your cooperation and concern.  
Very truly yours,  
S. ERIC DINENNA

SED:bjk  
cc: Mr. John Worth

NAME	ADDRESS
MARVIN MORRISON	620 MILITARY AVE. BALTO, MD 21208
Billie Veise	17 Clarendon Ave Baltimore 21208
JESSIE HAHN	6 CLARENDON AVE BALTO MD 21208
Lucy M. Mason	14 CLARENDON AVE BALTO MD 21208
Gaby Bliss	3008 RIDES LA BALTO MD 21208



DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW  
S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
GERALDINE A. KLAUBER  
FRANCIS X. BORGERDING, JR.  
November 14, 1990  
J. Robert Haines  
Zoning Commissioner for Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
RE: Your Case No.: 91-10-A  
My Client and Petitioner: John Worth  
Location: 5 Clarendon Avenue  
Dear Mr. Commissioner:  
I am in receipt of a letter and notification to me dated November 13, 1990 wherein you are informing us of the above-captioned matter for a continued hearing on Thursday, December 27, 1990, at 2:00 P.M.  
This is to advise you that I sit as a Master in the Circuit Court for Baltimore County and will be conducting hearings commencing with the docket at 1:30 P.M. on December 27, 1990.  
I would request that if you wish to continue this hearing, that your office contact me and set a date that would not be in conflict with the Master's docketed hearings nor your schedule.  
Accordingly, I am respectfully requesting a postponement and/or continuance of this date either forward or prior to that date that may be agreeable with everyone.  
Thank you for your cooperation.  
Very truly yours,  
S. ERIC DINENNA  
SED:bjk  
cc: Mr. John Worth

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

PERMIT # 909931  
RECEIPT # 13232  
CONTROL # 1111  
XREF # 1111

PROPERTY ADDRESS 5 Clarendon Ave  
SUBDIV: Ralston  
TAX ACCOUNT # 0313 00900-767 DISTRICT/PRECINCT  
OWNER'S INFORMATION (LAST, FIRST)  
NAME: John Worth  
ADDR: 5 Clarendon Ave Baltimore MD 21208

FEE: 1111  
PAID BY: 1111  
INSPECTOR: 1111

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT I HAVE THIS KNOWLEDGE AND POSSESSION OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.  
CODE CODE  
BOCA CODE  
TYPE OF IMPROVEMENT  
1. NEW BLDG CONST  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. WRECKING  
6. MOVING  
7. OTHER

TYPE OF USE  
RESIDENTIAL  
01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY  
05. ENTER NO UNITS  
06. SWIMMING POOL  
07. OTHER  
NON-RESIDENTIAL  
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY  
09. CHURCH, OTHER RELIGIOUS BUILDING  
10. FENCE (HEIGHT)  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. SPECIFY TYPE  
20. SWIMMING POOL  
21. TANK, TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER

TYPE OF CONSTRUCTION  
1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINFC. CONCRETE  
TYPE OF HEATING FUEL  
1. GAS  
2. OIL  
3. ELECTRICITY  
4. COAL  
TYPE OF WATER SUPPLY  
1. PUBLIC SYSTEM  
2. PRIVATE SYSTEM  
TYPE OF SEWAGE DISPOSAL  
1. PUBLIC SEWER  
2. PRIVATE SYSTEM  
3. SEPTIC  
4. OTHER

CENTRAL AIR: 1. YES 2. NO  
ESTIMATED COST: \$ 1111  
OF MATERIALS AND LABOR  
EXISTING USE: 1111  
OWNERSHIP: 1. PRIVATELY OWNED 2. PUBLICLY OWNED  
RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE  
REFF: \$1111 \$2111 \$3111 TOT BLDG: TOT APFT: 1111  
1 FAMILY BEDROOMS 2 BATHS 3 KITCHENS 4 CLASS 5 LIBR 6 POLIO 7 225  
POUNDER ROOMS 1111

BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR 1111  
WIDTH 1111  
DEPTH 1111  
HEIGHT 1111  
STORIES 1111  
LOT # 1111  
CORNER LOT 1111  
1. YES 2. NO  
MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEE REFUND

APPROVAL SIGNATURES DATE  
BLD INSP 1111  
FIRE 1111  
SEDI CHL 1111  
ZONING 1111  
ENVYMT 1111  
PLANNING 1111  
PERMITS 1111

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW  
S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
GERALDINE A. KLAUBER  
FRANCIS X. BORGERDING, JR.  
November 1, 1990  
J. Robert Haines  
Zoning Commissioner for Baltimore County  
Office of the Zoning Commissioner  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
RE: Your Zoning Enforcement  
File: C-90-2301  
Location: 5 Clarendon Avenue  
Variance Request #91-10-A  
Dear Mr. Commissioner:  
I am in receipt of your letter of October 18, 1990 indicating to me that my client, John Worth, has violated the terms of our agreement regarding the above-captioned matter with reference to the 15 feet height requirement.  
I appreciate your concern with this matter but I see no evidence from anyone that this has occurred.  
Please recall that you heard a request for a variance for this property and for this structure on September 7, 1990 at 2:00 P.M.  
I am afraid someone should measure the 15 feet as required by your office prior to making the allegations of a violation. If in fact the aluminum siding is above 15 feet, I would like some proof thereof.  
Upon receipt thereof, I will then consult my client relative to this fact. Unfortunately, some Baltimore County departments react upon complaints by citizens alleging that it is above 15 feet.  
The intent of siding this structure was to protect same from the weather and to make same more attractive.  
I would request that you have your Enforcement Division please contact me prior to any action being taken on your behalf. Also, I would respectfully request a decision of the Petition that was heard on September 7, 1990 at your earliest convenience.

**PETITIONER'S EXHIBIT 3**

ORE COUNTY MARYLAND  
ATTORNEY OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204  
BUILDINGS ENGINEER  
J. R. King

PERMIT # 909931 CONTROL # MR DIST: 03 PREC: 02  
DATE ISSUED: 12/08/89 TAX ACCOUNT # 0313009000 CLASS: 04  
PLANS: CONST PLOT 1 R PLAT DATA  
LOCATION: 5 CLARENDON AV  
SUBDIVISION: RALSTON  
OWNERS INFORMATION  
NAME: WORTH, JOHN  
ADDR: 5 CLARENDON AV BALTO, MD. 21208  
TENANT:  
OWNER:  
SEIL:  
WORK: CONSTRUCT A 2 CAR DETACHED GARAGE ON RE  
PROPERTY (28'X34'X15') TOTAL 952 SF  
BLDG. CODE: 1 AND 2 FAM. CODE  
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP  
ESTIMATED \$ 1111 PROPOSED USE: SAME & DETACHED GARAGE  
\$ 000.00 EXISTING USE: SFD  
TYPE OF IMPRV: NEW BUILDING CONSTRUCTION  
USE: GARAGE  
FOUNDATION: BLOCK BASEMENT: NONE  
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST  
LOT SIZE AND SETBACKS  
SIZE: 120'X119'X119'  
FRONT SETR:  
SIDE STRETF:  
FRONT SETR: NO  
SIDE SETR: 3' / 79'  
SIDE SETR: 15'



